

## **County of San Luis Obispo Locally Adopted Energy Standards Approval**

**Contact:** Joseph M. Loyer, 654-4811

**Action Requested of Efficiency Lead Commissioner:** Lead Commissioner approval to bring this item before the full California Energy Commission for consideration and approval.

**Business Meeting Date:** October 10, 2012

**Background:** The California Public Resources Code establishes a process that allows cities or counties to adopt and enforce locally adopted energy standards that are more stringent than the statewide standards. This process, described in Section 25402.1(h)(2) and the *2008 Building Energy Efficiency Standards*, Title 24, Part 1, Section 10-106 (Standards), allows cities or counties to adopt new versions of the Standards before their statewide effective date (early adoption), require additional energy efficiency measures, or set more stringent energy budgets. The governing body of the city or county is required to make a determination that the standards are cost effective and adopt the findings at a public meeting. The city or county is required to file this determination of cost effectiveness with the California Energy Commission. The Energy Commission must find that the standards will require the diminution of energy consumption levels permitted by the current Standards. The proposed local ordinance cannot be enforced until it is approved by the Energy Commission.

On August 28, 2012, the County Board of Supervisors of the County of San Luis Obispo submitted an application for approval for their local energy standards (Ordinance No. LRP2011-00013) which will meet or exceed the *2008 Building Energy Efficiency Standards (Title 24, Part 6 of the California Building Code)*.

### **Residential Requirements**

The ordinance requires that all additions and alterations to existing residential buildings with a construction value over \$10,000 shall have a Home Energy Rating at construction completion. The HERS Rating is required to be registered with the local jurisdiction or assessor for public access and must be completed by a certified HERS rater. The rating is valid for 5 years.

The ordinance requires that all newly constructed residential buildings that are less than or equal to 2,500 square feet of conditioned space must complete either the checklist provided by GreenPoint Rated (GPR) rating system as developed by Build It Green achieving 75 points or more, the checklist provided by Leadership in Energy Efficient Design for Homes (LEED for Homes) as developed by US Green Building Council (USGBC) achieving 50 points or more, or all of the optional Tier I requirements in the *2010 California Green Building Standards Code (Title 24, Part 11 of the California Building Code; CALGreen)* with the exception of any requirement in either GPR, LEED for Homes or Tier I that would exceed the 2008 Title 24, Part 6 requirements.

Certification is not required for either GPR or LEED for Homes. Verification of these requirements shall be completed by the County Planning and Building Department.

The ordinance requires that all newly constructed residential buildings that are greater than 2,500 square feet of conditioned space must exceed the 2008 Title 24, Part 6 energy efficiency requirements by 15 percent or more and either achieve 75 points under GPR or be LEED for Homes certified. GPR or LEED for Homes must be certified by a third party verification.

The ordinance also requires that all newly constructed residential buildings identify a conduit system from the main electrical panel to an accessible location, which may be either attic space, roof structure, or an area onsite designated for future renewable energy generation to accommodate a point of connection on the load side of the electrical service that disconnects service.

### **Nonresidential Requirements**

The ordinance requires that all newly constructed nonresidential buildings and additions and alterations to existing nonresidential buildings with a construction value greater than \$10,000 shall submit a green building checklist to include on the building plans. It can be either a LEED checklist with a minimum of 40 Points or a checklist showing minimum compliance with CALGreen Tier I requirements. These projects are not required to exceed the 2008 Title 24 Part 6 energy requirements as a part of this checklist. Verification of these requirements will be completed by the County Planning and Building Department.

The ordinance requires that all newly constructed nonresidential buildings and additions and alterations to existing nonresidential buildings with a construction value of \$1,000,000, or greater than 10,000 square feet must exceed the 2008 Title 24, Part 6 energy efficiency requirements by 15 percent or more and either be LEED Certified or comply with CALGreen Tier I. Project registration or the equivalent is required at the time of permit issuance, and evidence of certification is required within one year of Certificate of Occupancy. If CalGreen Tier I is chosen, compliance is required with the Cool Roof requirement for nonresidential buildings and one additional elective measure from Appendix A5. However, the additional measures are not specifically intended to affect the energy efficiency of the building, but many of these measures may incidentally result in additional energy savings.

Additionally, at least three percent of the required parking spaces for the building (but no less than one space) must include electric vehicle infrastructure. Newly constructed nonresidential buildings must also include a conduit system from the main electrical panel to an accessible location (either attic space, roof structure, or an area onsite) designated for future renewable energy generation.

## **Incentive Program**

The County is offering nonmandatory incentive programs within the ordinance. For residential buildings, the cost of plan review by the County Plans Examiner will be reduced by \$500.00 for all projects completing a third party verified rating system such as LEED for Homes, GPR or the Living Building Challenge.

For Nonresidential buildings the cost of plan review will be reduced by \$500.00 for all projects less than 5,000 square feet, \$1,000.00 for all projects 5,000 to 10,000 square feet, and \$2,000.00 for all projects over 10,000 square feet when completing a third party verified rating system such as LEED.

## **Off Grid Stand Alone Power Supply Requirements**

Generators alone are not allowed to provide power to structures not connecting to the power grid. Stand alone photovoltaic systems installed with battery and generator backup shall be sized to provide power to handle 100 percent of the calculated loads. The photovoltaic systems shall be sized to handle 100 percent of calculated loads.

## **Exceptions and Exemptions**

The ordinance allows for exceptions due to hardship or infeasibility, but requires that the building designs demonstrate compliance with all applicable requirements of Title 24, Part 6.

The ordinance does not apply to newly constructed nonresidential buildings and additions and alterations to existing nonresidential buildings with a construction value less than or equal to \$10,000. Buildings that are temporary (such as construction trailers) and buildings that are not intended to be conditioned space are exempt from the ordinance requirements, as are any requirements of the ordinance that would impair the historic integrity of any building listed on a local, state or federal register of historic structures, as determined by the Chief Building Official. Also exempt are any improvements or project valuations related to seismic or disabled access, or building replacements due to catastrophic loss due to flood or earthquake damage.

Finally, the installation of a renewable energy system is exempted from the ordinance requirements.

## **Conclusion**

The County of San Luis Obispo has made a written commitment to enforce compliance with their locally adopted energy standards and Title 24, Part 6. Energy Commission staff has found that the application meets all requirements under Public Resources Code Section 25402.1(h)(2) and Section 10-106 of Title 24, Part 1 and recommends it for approval.

The complete application including the full proposed ordinance and cost effectiveness analysis will be made available on the Energy Commission web site upon Energy Commission approval of the proposed ordinance.

**Justification for Action Requested:** Energy Commission staff has found that the application meets all requirements under Public Resources Code Section 25402.1(h)(2) and Section 10-106 of Title 24, Part 1. Energy Commission staff believes that the County of San Luis Obispo is to be commended for seeking to achieve the energy savings that result from their local energy ordinance.

**Pros:** If complied with as anticipated, the local ordinance will achieve additional energy savings beyond Title 24, Part 6. The County of San Luis Obispo is endeavoring to be a national leader by adopting this ordinance and keeping ahead of the requirements of the statewide standards. Its approval indicates the Energy Commission's support for this goal and for active enforcement of both the local ordinance and the statewide standards.

**Cons:** A possible con is that builders will react negatively to the local variation of requirements or additional costs that may result from complying with the local ordinance.

**What Happens Next:** Staff will bring the ordinance to the October 10, 2012 Business Meeting for approval.